

REMARKS/ARGUMENTS

The application has been amended so as to place it in condition for allowance at the time of the next Official Action.

Claims 1-8 are pending with claims 1 and 3 being independent.

The abstract has been amended as to form.

The specification has been amended as to form.

The Official Action rejected claims 5-6 under §112, second paragraph, as being indefinite.

The Official Action stated that in claim 5 the recitation of "said noise level measuring means" had insufficient antecedent basis. Antecedent basis for this recitation can be found in original claim 3, line 7. The Official Action stated that in claim 6 the recitation of "said decision means" had insufficient antecedent basis. Antecedent basis for this recitation can be found in original claim 3, line 9.

The Official Action rejected claims 1 and 3 as anticipated by KOEMAN et al. 5,731,706.

The Official Action rejected claims 2 and 4-8 under §103 as obvious over KOEMAN et al. in view of BENEDICT et al. 6,453,015.

The present invention concerns a method and system for proving a transmission characteristic of an xDSL system, wherein the existing cross-talk noise caused by other subscriber

telephone lines is measured on a candidate subscriber telephone line. As shown in Figure 2 of the present application, a voltage measurement is made across the T and R connections of the subscriber telephone line.

The claims have been amended so as to more specifically recite that the existing copper lines being tested are telephone lines and that the cross-talk characteristic being measured is a existing level of cross-talk noise on the subscriber line under test.

The applied references neither anticipate nor render obvious the thus-recited invention. See that KOEMAN et al. disclose testing the quality of a LAN cable system, not existing copper telephone line wires as recited, by injecting a pulse signal into the telephone line and measuring a response signal so as to assess the quality of the LAN cable system. See KOEMAN et al. Figure 5 disclosing source signal generator 202 with pulse generator 206 providing a stimulus signal into the LAN cable system 14 and receiver 208 measuring the responsive signal. This is neither the method nor system recited in the presently pending claims. Accordingly, both the anticipation and the obviousness rejections should be withdrawn.

As to the BENEDICT et al. reference, there is disclosed a telephony testing system. However, note that the telephony testing system is not that recited and does not employ the

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recited method. Accordingly, the secondary reference does not make for any deficient of the primary reference.

As the references fail to teach or suggest the recited invention, reconsideration and allowance of all of the pending claims are respectfully requested.

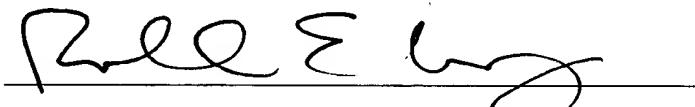
Entry of the above amendments is earnestly solicited. Applicant respectfully requests that a timely Notice of Allowance be issued in this case.

Should there be any matters that need to be resolved in the present application, the Examiner is respectfully requested to contact the undersigned at the telephone number listed below.

The Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 25-0120 for any additional fees required under 37 C.F.R. § 1.16 or under 37 C.F.R. § 1.17.

Respectfully submitted,

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